

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

RBH Energy, LLC, §
Plaintiff §
v. §
§
Connect Structural Engineering, Inc., §
f/k/a Parkin-Perkins-Olsen Consulting §
Engineering, Inc., §
Defendant. §
§
§
§
JURY DEMANDED

PLAINTIFF'S ORIGINAL COMPLAINT

1. Plaintiff, RBH Energy, LLC (“RBH” or “Plaintiff”), files this complaint against Defendant, Connect Structural Engineering, Inc. f/k/a Parkin-Perkins-Olsen Consulting Engineering, Inc., (“Connect” or “Defendant”) and alleges:

JURISDICTION/VENUE

2. RBH's claims arise under the copyright laws of the United States, 17 U.S.C. 101 et. seq., (hereinafter the Copyright Act.).

3. Subject matter and personal jurisdiction is vested in this Court pursuant to 28 U.S.C. 1338. Additionally, this Court has subject matter jurisdiction under 28 U. S.C. 1331 inasmuch as this claim arises under the copyright laws of the United States. Venue in this judicial district is proper pursuant to 28 U.S.C. 1400(a) and 28 U.S.C. 1391(b) and (c).

PARTIES

4. Plaintiff is a Texas Limited Liability Company with its principal place of business in Fort Worth, Texas.

5. Defendant is a Texas for-profit corporation. Defendant has its principal place of business at 9330 LBJ Freeway, Suite 1055, Dallas, Texas, 75243. From the date of formation until on or about May 26, 2015, Defendant was known as Parkin-Perkins-Olsen Consulting Engineering, Inc. On or about May 26, 2015, Parkin-Perkins-Olsen Consulting Engineering, Inc. filed a Certificate of Amendment to its Certificate of Formation, changing the name of the corporation to Connect Structural Engineering, Inc.

FACTS

6. Plaintiff is the sole owner of all right, title and interest in and to the copyrights in certain photographs (the “Photographs”) as follows:

- a. “Photographs 2000 Vol. III,” registered under U.S. Copyright Reg. VAu508-795, shown in the attached Exhibit 1, with one photograph deposited with said registration shown in the attached Exhibit 2; and
- b. “Photographs 2001 Vol. I,” registered under U.S. Copyright Reg. VAu526-620, shown in the attached Exhibit 3, with one photograph deposited with said registration shown in the attached Exhibit 4.

7. RBH’s copyrights in the above-described works are valid and subsisting, and have been valid and subsisting from the moment of their creation in the year indicated above. The foregoing copyright registrations were issued in compliance with Title 17 of the United States Code and all rights and privileges thereunder in and to the copyrights to the above-described photographs belong to RBH as shown in Exhibit 5. All conditions precedent to the filing of this suit have occurred.

8. As of Mary 3, 2015, Defendant was using, and had been using for a length of time to be determined, Photographs on its website at <http://ppoinc.net.com> without license or authorization

from Plaintiff, as shown in the attached Exhibit 6.

CAUSES OF ACTION

9. Plaintiff re-alleges and incorporates, as if set forth herein, paragraphs 1 through 10 above.

10. Defendant has infringed (either willfully or non-willfully) Plaintiff's copyrights in and to the Photographs by scanning, copying, reproducing, distributing, publishing and/or otherwise using, unauthorized copies of the Photographs within the United States in violation of the Plaintiff's rights under Title 17.

CAUSATION/DAMAGES

11. As a direct and proximate result of Defendant's above-described acts of copyright infringement, Plaintiff has sustained actual damages in an amount not yet ascertained, including without limitation lost profits and/or lost licensing revenue, loss of good will, research time tracking down and documenting the infringements and attorney time to institute this action.

RELIEF REQUESTED

12. Plaintiff demands an accounting by Defendant of its activities in connection with their infringements of his copyrights in and to the Photographs, as well as their gross profits and income derived therefrom.

13. Plaintiff is entitled and seeks to recover actual damages plus the profits of Defendant attributable to the infringements of copyright.

14. Alternatively, because the Photographs were registered in the U.S. Copyright Office prior to Defendant's infringements, pursuant to 17 U.S.C. § 505, Plaintiff is entitled and seeks to recover statutory damages up to but not exceeding \$150,000 (One Hundred Fifty Thousand Dollars) for each work infringed.

15. Plaintiff is entitled and seeks to recover his reasonable attorneys' fees and costs pursuant

to 17 U.S.C. § 505.

PLAINTIFF DEMANDS JUDGMENT:

16. That Defendant, its agents, employees and/or servants be enjoined preliminarily and permanently from infringing Plaintiff's copyrights in any manner whatsoever, and from publishing through any visual media, and from selling, marketing or otherwise distributing any of its images;
17. That Defendant be required to deliver up, under oath, for impounding during the pendency of this action, and for destruction thereafter, all images which infringe Plaintiff's copyrights, and all prints, film negatives, magnetic tapes, digitally scanned and/or stored images, and all other articles by means of which such infringing copies may be reproduced, which are in the possession or under the direct or indirect control of Defendant;
18. That Defendant be required to pay over to Plaintiff its actual damages sustained, in addition to all its profits attributable to the infringements, and which are not taken into account in computing Plaintiff's actual damages incurred as a result of Defendant's copyright infringements and violations described herein, or, alternatively, the statutory damages to which Plaintiff is entitled under 17 U.S.C. § 505;
19. That Defendant provide an accounting of all gains, profits and advantages derived by it as a result of the willful and unlawful acts of copyright infringement and violations described herein;
20. That Defendant be ordered to pay to Plaintiff its costs and attorney's fees; and
21. That Plaintiff have such other and further relief as this court shall deem just and proper.

Plaintiff demands a jury trial in this cause of action.

Respectfully submitted,

By: /s/ David G. Henry
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